

FINDINGS OF FACT AND CONCLUSIONS OF LAW

ORDERED: 06/17/2019 10:07 AM FOR FILING

Testimony indicated that the subject property, known as 8825 Pikeville Road, consists of 0.935 acres zoned D.R. 3.5, is composed of two lots, known as Lots 3 and 4 of Pikeville Farms. Mr. Brooks testified

ORDER RECEIVED FOR FILING

Subsequently, in September, 1987, Petitioner requested a building permit to construct a 16' x 35' storage building on the north side of the property abutting the state property line. Petitioner instead built the 19' x 35' building depicted on Petitioner's Exhibit 1. Petitioner now proposes to redivide the property in accordance with the lot lines depicted in Petitioner's Exhibit 1. Mr. Brooks testified he originally planned to sell proposed Lot 1 to his father. At the time of the hearing, he indicated the plans had changed and that he now is selling proposed Lot 2 to his sister and is retaining proposed Lot 1 as a rental property.

ORIGINAL FILED FOR FILING

Subsequent to Petitioner's testimony, the individuals who appeared as interested parties in the matter were given an opportunity to

- 3 -

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

- 4

BRIDGE COUNCIL

2) The variances granted herein are contingent upon there being no additional accessory structures placed on the subject property. Further, the variance granted herein for a resubdivision of the property, as depicted in Petitioner's Exhibit 1, is limited to Petitioner for residential purposes only.

4) The stockade fence to the rear of the subject property shall be moved and placed along the rear property line. Further, Petitioner shall fence and/or

- 5 -

...RECEIVED FOR FILMS

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commission
for Baltimore County

December 15, 1989

Dear Mr. Brooks:

Enclosed please find a copy of the decision regarding the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

ANN M. NASTASOPOLO
Deputy Zoning Commission
for Baltimore County

Ms. Marie L. and L. Townsend
8824 Pikesville Road, Baltimore, Md. 21208
People's Counsel
File

PRACTICAL DIFFICULTY:

- ① STRICT COMPLIANCE WITH REQUIREMENT WOULD UNREASONABLY SUBDIVISION OF THE PROPERTY FOR THE PERMITTED USE.
- ② RELIEF CAN BE GRANTED IN SUCH A WAY THAT PUBLIC WELFARE WOULD REMAIN INTACT.

I We do solemnly declare under the penalties of perjury that we are the legal owner(s) of the above described property which is the subject of this

SURVEYOR
~~Contract Purchaser~~

THOMAS HOFFEMAN, JR.
(Owner's Print Name)

Legal Owner(s):
THOMAS HOFFEMAN, JR.
(Type or Print Name)

Signature _____
Signature _____
5502 STONINGTON AVE _____
Address _____
(Type or Print Name)

Baltimore, MD. 418-0181
City and State
Signature
Attorney for Petitioner:
8825 Pikesville Rd.

(Type or Print Name)	Address
Signature	City and State
Address	Name, address and phone number of tract purchaser or representative

City and State _____ Name _____
Attorney's Telephone No.: _____ Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ 19____
of _____ August _____ 1982, that the subject matter of this petition be
required by the Zoning Law of Baltimore County, in two newspapers of general circula-
out Baltimore County, that property be posted, and that the public hearing be held at
Commissioner of Baltimore County in Room 106, County Office Building in Towson.

Courty, on the 14 day of Nov, 1989, at
P. M. J. Robt. +

ED LENGTH OF HEARING - 1/2HR. (1HR.)
 AVAILABILITY FOR HEARING
 MON, TUES, WED. - NEXT TWO MONTHS
 OTHER _____
 25 JUL 89

BY: 1 AM DATE 7-29-74

100



11

Tracking System

Baltimore County
Zoning Commission
Office of Planning & Zoning

Date: 25/07/89
Receipt Number: 06835501
FEE TYPE: Identification Number
Council District: 03
Election District: 03
Zip Code: 21204

Petitioner: Robert H. Brooks
Property Address: 8825 Pikesville Road

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 25/07/89
AMOUNT: \$10.00
FOR: Planning Fee

ZONING DESCRIPTION LOT 1 "RESUBDIVISION OF LOTS 3 & 4 PIKESVILLE FARMS" ROBERT H. BROOKS PROPERTY

BEGINNING on the northeast side of Pikesville Road, proposed 50 feet wide right-of-way, at a distance of 270 feet southeast of the centerline of Mt. Wilson Lane, thence binding on Pikesville Road

- ① South 32°27'00" East 20.00 feet, thence
- ② North 57°33'00" East 92.70 feet, thence
- ③ South 35°08'20" East 130.14 feet, thence
- ④ South 57°33'00" West 98.81 feet, thence
- ⑤ South 32°27'00" East 50.00 feet, thence
- ⑥ North 57°33'00" East 208.28 feet, thence
- ⑦ North 35°08'20" West 200.28 feet, thence
- ⑧ South 57°33'00" West 198.88 feet to the place of beginning.

ZONING DESCRIPTION LOT 2 "RESUBDIVISION OF LOTS 3 & 4 PIKESVILLE FARMS" ROBERT H. BROOKS PROPERTY

BEGINNING on the northeast side of Pikesville Road, proposed 50 feet wide right-of-way, at a distance of 290 feet southeast of the centerline of Mt. Wilson Lane, thence binding on Pikesville Road

- ① South 32°27'00" East 130.00 feet, thence
- ② North 57°33'00" East 98.81 feet, thence
- ③ North 35°08'20" West 130.14 feet, thence
- ④ South 57°33'00" West 92.70 feet to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd
Date of Posting: 11-26-89
Posted for: Robert H. Brooks
Petitioner: Robert H. Brooks
Location of property: E.S. Pikesville Road, 270' from the C/L of Mt. Wilson Lane (E.S. Pikesville Road)
Location of Sign: On front of 8825 Pikesville Road

Remarks: J.D. Smith
Date of return: 11-3-89
Number of Signs: 1

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Robert H. Brooks
8825 Pikesville Road
Baltimore, Maryland 21228

Res: Petition for Zoning Variance
CASE NUMBER: 90-168-A
E.S. Pikesville Road, 270' from c/l of Mt. Wilson Lane
8825 Pikesville Road
3rd Election District - 3rd Councilmanic District
Petitioner(s): Robert H. Brooks
HEARING: TUESDAY, NOVEMBER 14, 1989 at 2:00 p.m.

Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 287



Ms. Ann M. Nastarowicz
Deputy Zoning Commissioner for Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

Res: Petition for Zoning Variance
E/S Pikesville Road, 270' SE of the c/o of Mt. Wilson Lane
(8825 Pikesville Road)
3rd Election District - 3rd Councilmanic District
Robert H. Brooks - Petitioner
Case No. 90-168-A

Dear Ms. Nastarowicz:

Mer Israel Rabbinical College is located on 75 acres on Mt. Wilson Lane. We have a student body of 550 most of whom are resident students. In addition, our faculty and staff live on the campus as well.

Mr. Emmett H. Brooks has an electrical contracting business at 15 Mt. Wilson Lane for many years. They maintain the business in a responsible fashion and have been good neighbors. The fact that Mr. Brooks as well as his children are homeowners on Mt. Wilson Lane and immediately adjacent to Mt. Wilson Lane means that they have a vested interest in the welfare and well-being of the neighborhood as we do.

We feel that the above-mentioned petition for zoning variance is a reasonable request to allow the Brooks family to continue their business. We would support their petition and hope that the commission will see its way clear to grant said variance.

Sincerely yours,
Jerome H. Kadden
Associate Director

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 20, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct. 19, 1989.

THE JEFFERSONIAN,

S. Zeke Orlean
Publisher

PO17311
by M34251
to 90-168-A
price \$59.10

Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204 CJB

DATE: 4/5/89
53585
MR. ROBERT H. BROOKS
8825 PIKESVILLE RD. 21208

OWNER: ROBERT H. BROOKS
8825 PIKESVILLE RD. 21208

CONSTRUCT ADDITION ON REAR OF EXISTING DWELLING TO BE USED AS ONE CAR GARAGE.

ESTIMATED COST OF MATERIALS & LABOR: \$800

APPROVED: [Signature]
DATE: 4/5/89

Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

DATE: 2-6-81
33218
MR. ROBERT H. BROOKS & SUSAN L.
15 MT. WILSON LANE, PIKESVILLE, MD. 21208

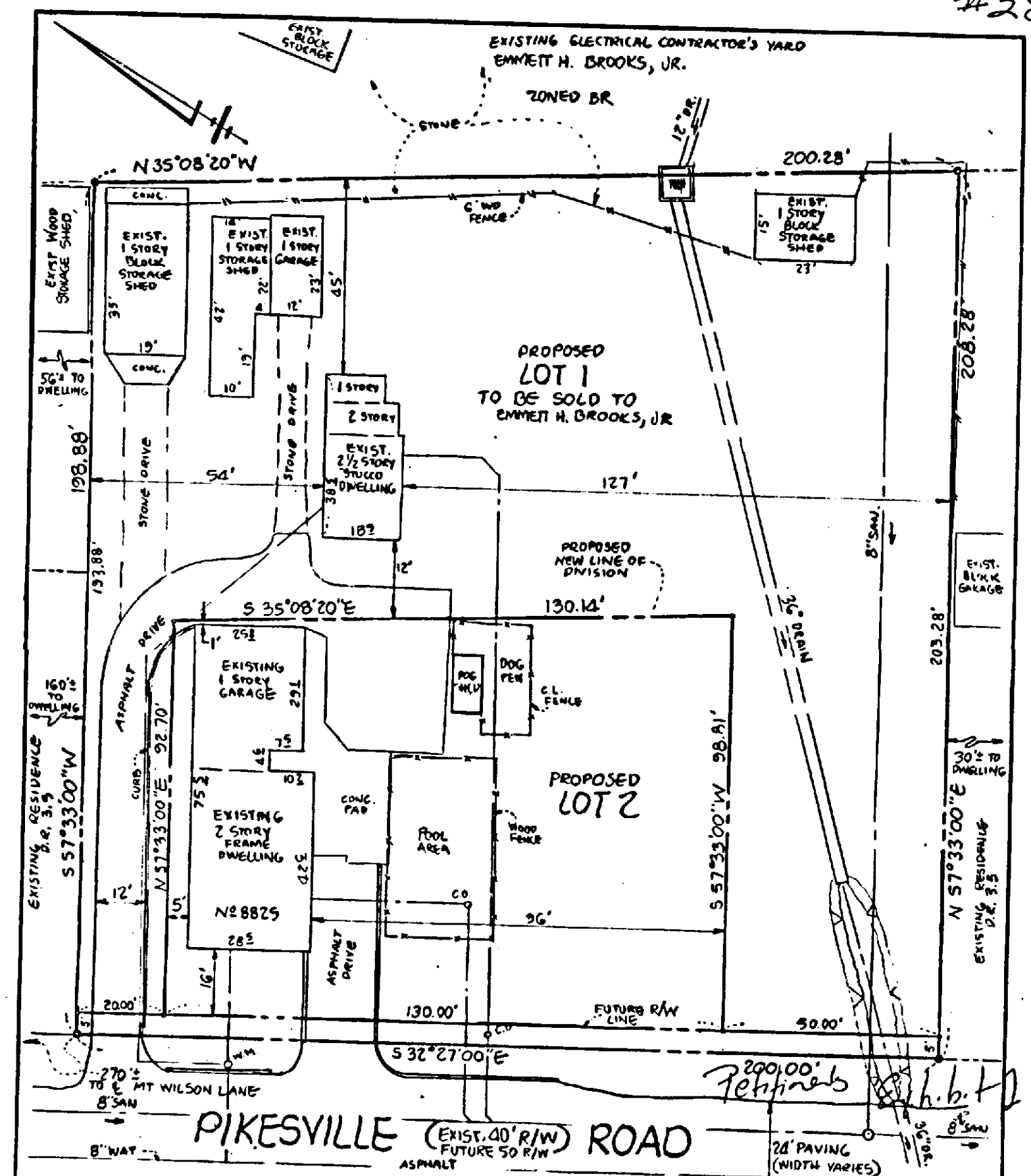
OWNER: EMMA WARNER
15 MT. WILSON LANE, PIKESVILLE, MD. 21208

CONSTRUCT NEW STORAGE SHED TO REPLACE EXISTING 12 X 12 STORAGE SHED IN REAR YARD. BOTH LOTS ARE COMBINED UNDER 1 DEED.

ESTIMATED COST OF MATERIALS & LABOR: \$600

APPROVED: [Signature]
DATE: 2-19-81

#28



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 31, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Robert H. Brooks
8825 Pikesville Road
Baltimore, MD 21207

RE: Item No. 26, Case No. 90-169-A
Petitioner: Robert H. Brooks
Petition for Zoning Variance

Dear Mr. Brooks:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Thomas Hoffman, Jr.
5502 Stonington Avenue
Baltimore, MD 21207

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
19th day of August, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Robert H. Brooks

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: November 3, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Robert H. Brooks, Item 28
Zoning Petition No. 90-168A

The Petitioner requests several variances needed in order to subdivide the property.

The Petitioner's site plan indicates two existing houses and six existing accessory structures. Property to the east of Lot 1 is owned by Emmett H. Brooks, Jr., who owns a contractors yard at that location.

Based upon the analysis conducted, staff recommends approval of the Petitioner's request subject to the following:

- No additional accessory structures shall be permitted on either property unless the structure replaces an existing one.
- No equipment used in the course of Mr. Brooks' business shall be stored on Lot 1 or in the accessory structures.
- No access other than a foot path or sidewalk shall be provided between Lot 1 and the contractor's yard.
- Upon reasonable notice, the petitioner shall permit a representative of the Zoning Office to make an inspection of the accessory structures on Lot 1 to ensure compliance with all Zoning Regulations.
- The 6 ft. fence that follows N 35 08' 20"W shall be repositioned to reflect the property line.
- Compact planted landscaping shall be provided to screen Mr. Brooks' B.R. zoned parcel from Lot 1.
- The Petitioner should contact Avery Harden, County Landscape Planner, at 887-3335 regarding the above-mentioned recommendation.

11/6/89 mailed to Mr. Brooks per NW 06 1989

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2536
(301) 887-4500

Paul H. Reincke
Chief

AUGUST 11, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ROBERT H. BROOKS
Location: 8825 PIKESVILLE ROAD
Item No.: 28 Zoning Agenda: AUGUST 8, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke*
Planning Group
Special Inspection Division

Noted and Approved *Capt. Tom Brooks*
Fire Prevention Bureau

JK/KEK

AUG 16 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 31 1989

ZONING OFFICE

August 25, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, and 42.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw